

COMMISSION OF THE EUROPEAN COMMUNITIES

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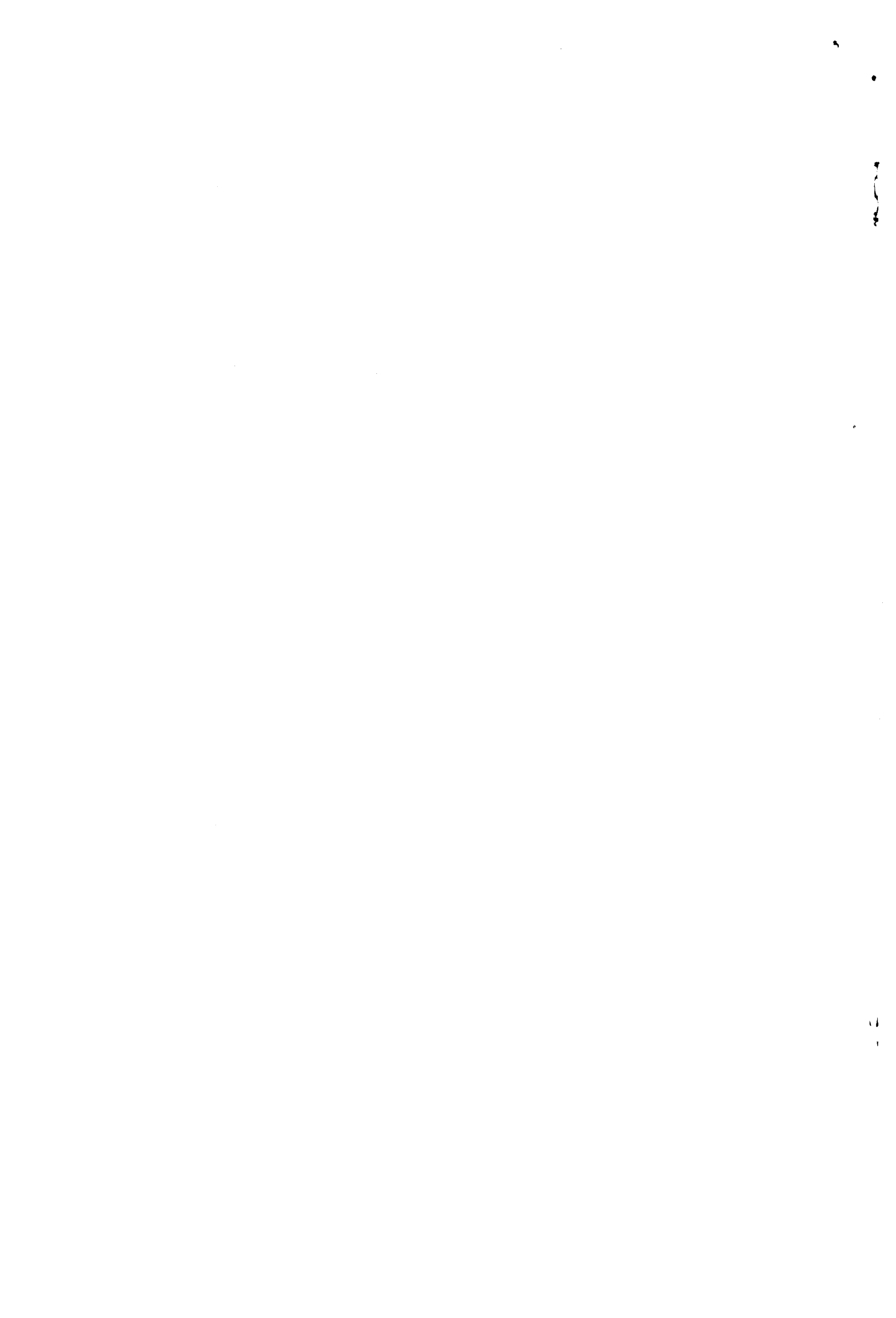
Brussels, 9 January 1989

441.2(103)

Proposal for a
COUNCIL REGULATION (EEC)

suspending tariff concessions and increasing duties under the
Combined Nomenclature with regard to certain products
originating in the United States

(presented by the Commission)



EXPLANATORY MEMORANDUM

Since 1 January the Council Directive of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal effect has applied to farm animals and meat from non-member countries.

On 1 January the United States authorities applied retaliatory measures to certain products exported by the EEC¹ by increasing the customs duties to 100%; going by average annual figures over the period 1985-1987, these measures will affect trade estimated at 96 million dollars.

In its conclusions of 22 November 1988, which were confirmed on 19 December 1988, the Council agreed on the principle of counter-measures being taken by the Community should the United States apply measures unilaterally. To this end, a list of possible measures was drawn up under the procedures provided for in Article 113.

On this basis, and in agreement with the Council's conclusions, the Commission proposes that the customs duties fixed in the combined nomenclature for nuts and dried fruit be increased to 100% so that the commercial impact of the Community measures² is equivalent to that of the United States' retaliatory measures.

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- 1 Deboned beef; tinned tomatoes; soluble or instant coffee; fruit juice; fermented drinks; animal feedingstuffs.
 - 2 Average imports from the United States 85-86-87: nuts - USD 58.8 million; dried fruit - USD 37.8 million.

PROPOSAL FOR
COUNCIL REGULATION (EEC) No
of

suspending tariff concessions and increasing duties
under the Combined Nomenclature with regard to certain products
originating in the United States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the United States of America has decided to apply additional
customs duties to imports of certain products from the European Economic
Community, in breach of the commitments which it has undertaken under the
General Agreement on Tariffs and Trade (GATT);

Whereas these measures cause significant injury to the Community producers
concerned;

Whereas, in order to protect the Community's interests, it is judged
necessary to take measures having an equivalent effect on imports of
products originating in the United States; whereas certain rates of duty
established under the Combined Nomenclature by Council Regulation (EEC)
No 2658/87 of 23 July 1987,¹ as last amended by Regulation (EEC) No.....,²
should therefore be adjusted;

Whereas the adjusted rates should be included in the Combined Nomenclature;

1 OJ No L 256, 7.9.1987, p. 1.

2 OJ

HAS ADOPTED THIS REGULATION:

ARTICLE 1

The rates of customs duty applicable to the Combined Nomenclature annexed to Council Regulation (EEC) n° 2658/87 are hereby amended as set out in the Annex hereto.

ARTICLE 2

1. The release into free circulation of the products referred to in Article 1 may be made subject to proof of their origin.
2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 14 of Regulation (EEC) n° 802/68(1).

ARTICLE 3

Those products originating in the United States of America which are in the process of being shipped to the Community shall as appropriate, and in accordance with the modalities established by the Commission, remain subject to the customs duties laid down in Regulation (EEC) n° 2658/87, provided that they were shipped from the United States of America before the date of entry into force of this Regulation.

ARTICLE 4

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council,

(1) OJ n° L 148, 28.6.1968, p. 1

CN code	Description	Rate of duty		Supplementary unit
		Autonomous % or levy (L)	Conventional %	
1	2	3	4	5
0802	Other nuts, fresh or dried, whether or not shelled or peeled :			
0802 11 to 0802 22 00	(unchanged)			
	- Walnuts :			
0802 31 00	-- In shell	8 (1)	8 (2)	--
0802 32 00 to 0802 90 90	(unchanged)			
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter :			
0813 10 00	- Apricots	9 (1)	7 (2)	--
0813 20 00	- Prunes	18 (1)	12 (2)	--
0813 30 00	- Apples	10 (1)	8 (2)	--
0813 40	- Other fruit :			

(1) The autonomous duty applicable to products, originating in the United States of America is fixed at 100 %.

(2) Products, originating in the United States of America, are not eligible for this conventional duty.

CN code	Description	Rate of duty		Supplementary unit
		Autonomous % or levy (1.)	Conventional %	
1	2	3	4	5
0813 40 10	-- Peaches, including nectarines	9 (1)	7 (2)	--
0813 40 30	-- Pears	10 (1)	8 (2)	--
0813 40 50	-- Papaws (papayas)	3 (1)	4 (2)	--
0813 40 90	-- Other	8 (1)	6 (2)	--
0813 50	- Mixtures of nuts or dried fruits of this chapter :			
	-- Fruit salads of dried fruit, other than that of heading Nos 0801 to 0804 :			
0813 50 11	--- Not containing prunes	9 (1)	8 (2)	--
0813 50 19	--- Containing prunes	12 (1)	12 (2)	--
0813 50 30	-- Mixtures exclusively of dried nuts of heading Nos 0801 and 0802	8 (1)	8 (2)	--
	-- Other mixtures :			
0813 50 91	--- Not containing prunes or figs	10 (1)	10 (2)	--
0813 50 99	--- Other	12 (1)	12 (2)	--

(1) The autonomous duty applicable to products, originating in the United States of America is fixed at 100 %.

(2) Products, originating in the United States of America, are not eligible for this

